

REMARKS

The Official Action mailed August 9, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on April 20, 2004; September 3, 2004; September 14, 2004; August 11, 2005; and April 21, 2006.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 24-33 were pending in the present application prior to the above amendment. New claims 34-38 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 24-38 are currently pending, of which claims 24, 25 and 27-31 are independent.

Upon further review, the Applicant has found that independent claim 24, and dependent claims 26/24 and 33/24 correspond with elected Species 1. (It is noted that the designation X/Y means "claim X as it depends from claim Y.") Independent claims 27-31 are generic to Species 1 and have been examined on the merits. Upon further review, the Applicant has found that dependent claims 32 and 33/27-31 should also be examined on the merits.

The Official Action asserts that claims 25, 26, 32 and 33 are withdrawn from consideration (Box 4a, Office Action Summary, Paper No. 20060805). However, upon further review, the only claims which correspond with non-elected Species 2 are independent claim 25 and dependent claims 26/25 and 33/25. The Applicant respectfully submits that claims 24, 26/24 and 33/24 correspond with elected Species 1. Independent claims 27-31 are generic and dependent claims 32 and 33/27-31 depend from the generic claims. New claims 34-38 also depend from generic claims 27-31. A chart is provided below to summarize the status of each of the present claims.

Claim	Independent	Dependent upon	Status
1-23			Canceled
24	✓		Species 1 (elected)
25	✓		Species 2 (withdrawn)
26		24 or 25	26/24 = Species 1 (elected) 26/25 = Species 2 (withdrawn)
27	✓		Generic (elected)
28	✓		Generic (elected)
29	✓		Generic (elected)
30	✓		Generic (elected)
31	✓		Generic (elected)
32		any one of 27-31	Generic (elected)
33		any one of 24, 25 and 27-31	33/24 = Species 1 (elected) 33/25 = Species 2 (withdrawn) 33/27-31 = Generic (elected)
34		27	Generic (elected)
35		28	Generic (elected)
36		29	Generic (elected)
37		30	Generic (elected)
38		31	Generic (elected)

Accordingly, claims 24, 26/24, 27-32, 33/24, 33/27-31 and 34-38 are currently elected, of which claims 24 and 27-31 are independent, and claims 27-31 are generic. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

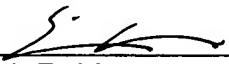
The Official Action rejects claims 24 and 27-31 as obvious based on U.S. Patent Application Publication No. 2005/0037552 to Yamazaki. However, Yamazaki '552, as a commonly owned reference under § 102(e), may not be considered for a rejection under § 103. Subject matter developed by another, which qualifies as prior art only under one or more of subsections 35 U.S.C. §§ 102(e), (f) and (g), is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. § 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made. See MPEP § 2146. Since the disclosure by Yamazaki '552 and the claimed invention of the present application were, at the time the

invention was made, subject to an obligation of assignment to Semiconductor Energy Laboratory Co., Ltd., Yamazaki '552 may not be considered for a rejection under § 103. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 34-38 have been added to recite additional protection to which the Applicant is entitled. For the reasons stated above, the Applicant respectfully submits that new claims 34-38 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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